

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

| | | |
|---------------|---|-----------------------------|
| CAREDX, INC. |) | C.A. No. 19-662 (CFC) (CJB) |
| |) | |
| Plaintiff, |) | JURY TRIAL DEMANDED |
| |) | |
| v. |) | |
| |) | |
| NATERA, INC., |) | |
| |) | |
| Defendant. |) | |

[NATERA’S] PROPOSED SPECIAL VERDICT FORM¹

NATERA’S CLAIMS AGAINST CAREDX

A. Federal and Common Law False Advertising

1. Did Natera prove by a preponderance of the evidence that CareDx is liable for false advertising under the Lanham Act for the following statements?

(Answering “YES” is a finding in favor of Natera, and “NO” is a finding in favor of CareDx.)

| CareDx’s Claims in its 100% Chart | | |
|--|------------------------------|-----------------------------|
| Applying the method from the other test to DART data, AlloSure has 100% sensitivity, 100% specificity, 100% NPV, 100% PPV, and 1.0 AUC | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| CareDx’s claim in the 100% Chart that it applied the other test’s method to its own data for AlloSure from the DART study | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| The other test used a non-Banff definition to segment patients | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| The other test used an incomplete Banff 2017 criteria | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| CareDx’s Claims Made about the Melancon Paper | | |
| CareDx was “not involved in this head-to-head comparison.” | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

¹ Natera reserves the right to revise this special verdict form based on pre-trial and trial rulings by the Court, evidence adduced at trial, or revisions to the Final Jury Instructions.

| | | |
|--|------------------------------|-----------------------------|
| The original Melancon Paper proved AlloSure was more accurate in clinical interpretation than the other dd-cfDNA monitoring tool | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| AlloSure was proven to be more accurate in clinical interpretation | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Dr. Melancon received no funding for the Melancon Paper | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| CareDx's Claims Made In and about the Stites Paper | | |
| The Stites Paper demonstrated that AlloSure® is the only dd-cfDNA test that can discriminate clinical relevance of [TCMRIA] or borderline biopsies | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| No financial incentives were received for the project, it was done independently, and there were no conflicts of interest | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| CareDx's Detection and Use Claims | | |
| AlloSure can be used to detect TCMR (including TCMR IA) in kidney transplant patients. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| AlloSure can be used to monitor subclinical rejection | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| CareDx's Claims of AlloSure's Performance Metrics | | |
| AlloSure has a 95% NPV for Active Rejection (including TCMR IA) | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| AlloSure has a 44% PPV for Active Rejection (including TCMR IA) | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

B. Delaware Common Law Unfair Competition

2. Do you find that Natera has proven by a preponderance of the evidence that CareDx engaged in unfair competition against Natera?

(Answering "YES" is a finding in favor of Natera, and "NO" is a finding in favor of CareDx.)

YES ☐ NO ☐

3. If you answered "yes" to Question No. 2, then do you find that Natera has proven by a preponderance of the evidence that CareDx intentionally or recklessly engaged in unfair competition?

(Answering “YES” is a finding in favor of Natera, and “NO” is a finding in favor of CareDx.)

YES ☐ NO ☐

C. Delaware Deceptive Trade Practices Act

4. Do you find that Natera has proven by a preponderance of the evidence that CareDx engaged in a deceptive trade practice against Natera?

(Answering “YES” is a finding in favor of Natera, and “NO” is a finding in favor of CareDx.)

YES ☐ NO ☐

D. Intentional or Willful False Advertising

5. Do you find that Natera has proven by a preponderance of the evidence that CareDx intentionally or willfully made a false advertising statement?

(Answering “YES” is a finding in favor of Natera, and “NO” is a finding in favor of CareDx.)

YES ☐ NO ☐

E. Compensatory Damages

6. If you answered “yes” for any of the statements in Question No. 1, or yes” for any of Question Nos. 2–5, what, if any, do you find is the amount of Natera’s damages with respect to its claims?

ANSWER: \$ _____

7. If you answered “yes” for any of the statements in Question No. 1 or Question No. 2, what, if any, do you find is the amount of CareDx’s profits Natera is entitled to recover?

ANSWER: \$ _____

F. Treble Damages

8. If you answered “yes” to Question Nos. 1 and 5, what, if any, do you find is the amount of treble damages (a sum above the amount of actual damages, not exceeding three times the amount of actual damages), Natera is entitled to recover?

ANSWER: \$_____

G. Punitive Damages

9. If you answered “yes” to Question No. 3, and awarded compensatory damages in Question No. 0, then please enter the amount of punitive damages, if any, you have chosen to award.

AMOUNT: \$_____

You have now reached the end of the verdict form and you should review it to ensure that it accurately reflects your unanimous determinations. All jurors should then sign the verdict form in the space below and notify the Court Security Officer that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it to the courtroom with the jury.

Dated: _____

Signed:

Foreperson

Juror

Juror

Juror

Juror

Juror

Juror